

**IN THE CLAIMS**

1. (currently amended) An instrument for holding an intervertebral spacer, the instrument comprising:

a shaft having a proximal end forming a handle, and a distal end forming a claw subassembly;

said claw subassembly including a first pincer which is fixed at the distal end of the shaft and a second pincer which is ~~selectively rotateable~~ pivotally coupled with said first pincer for rotating into and out of spacer holding association with said first pincer; and

an actuation mechanism for selectively rotating ~~the said~~ second pincer, wherein said first and second pincers have opposing inner curved surfaces that extend to a ~~distal~~ distal-most end of said instrument.

2. (currently amended) The instrument of claim 1, wherein ~~the said~~ second pincer is ~~rotateably mounted to the shaft and is~~ spring biased away from the said first pincer.

3. (currently amended) The instrument of claim 2, wherein the actuation mechanism comprises a sliding member mounted to the shaft which is selectively moveable in the distal direction by a force sufficient to overcome the bias of the spring, the distally directed movement of the sliding member thereby causing ~~the said~~ second pincer to ~~move~~ pivot toward the said fixed first pincer, and the subsequent retraction of the sliding member in a proximal direction causes the sliding member to disengage ~~the said~~ second pincer ~~and the permits the so as to~~ permit said pincers to separate under the bias of the spring.

4. (currently amended) The instrument of claim 3, wherein ~~the said~~ second pincer includes a tapered surface which is engaged by a corresponding surface of the sliding member,

said engagement causes ~~the~~ said second pincer to ~~rotate~~ pivot relative to ~~the~~ said first pincer.

5. (currently amended) A combination including the instrument of claim 1, the combination comprising:

an intervertebral spacer comprising a cylindrical member having an annular groove defining a central axial core portion and a pair of flange portions at opposing ends thereof; and

~~the~~ said claw subassembly engages the spacer at the central axial core.

6. (currently amended) An intervertebral spacer grasping instrument, comprising:

a pair of pincers, a first of said pair being fixed, and a second being pivotally coupled to ~~the~~ said first pincer in open-biased opposition thereto, said first and second pincers having opposing inner curved surfaces that extend to a ~~distal~~ distal-most end of said instrument; and

a sliding element translatable into and out of engagement with said second pincer to close and open said pair of pincers, respectively.

7. (currently amended) The grasping instrument of claim 6, wherein:

~~the~~ said pair of pincers define an intervertebral spacer grasping enclosure having an access opening through which ~~the~~ an intervertebral spacer can be passed for placement into the intervertebral spacer grasping enclosure when the sliding element is out of engagement with ~~the~~ said second pincer; and

~~the~~ said intervertebral spacer is securely maintained between ~~the~~ said first and second pincers when the sliding

element has been translated into engagement with ~~the~~ said second pincer.

8. (currently amended) The grasping instrument of claim 7, wherein ~~the~~ said first and second pincers are mounted at the distal end of a common shaft, and the sliding element is translateable along said shaft, and wherein ~~the~~ said second pincer has a portion thereof which is engaged engageable by the sliding element to close ~~the~~ said pair of pincers.

9. (currently amended) The grasping instrument of claim 8, wherein ~~the~~ said second pincer is mounted to the common shaft by a pivot joint pin, and the portion of ~~the~~ said second pincer which is engaged by the sliding element is a tapered surface, the angle of which tapered surface, when engaged by the sliding element, causes ~~the~~ said second pincer to rotate about the pivot joint pin, closing ~~the~~ said first and second pincers.

10. (new) The instrument of claim 1, further comprising a pin extending through said first and second pincers for pivotally coupling said first and second pincers.

11. (new) The grasping instrument of claim 6, further comprising a pin extending through said first and second pincers for pivotally coupling said first and second pincers.